

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

8:13-CR-244

vs.

JORGE MUÑOZ-RAMON,

ORDER

Defendant.

This matter is before the Court on the defendant's Motion to Suppress (filing 204) and the United States Magistrate Judge's Findings and Recommendation and Order (filing 213), recommending that defendant's motion to suppress be denied. The parties were given 14 days from the filing of the Findings and Recommendation to file any objections to the Magistrate Judge's decision. The Findings and Recommendation were filed on March 6, 2014, and no objection has been filed.

28 U.S.C. § 636(b)(1) provides for de novo review only when a party has objected to the Magistrate Judge's findings or recommendations. *Perez v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. NECrimR 59.2(e). The Magistrate Judge's order advised the parties that failure to object to the findings and recommendation may be held to be a waiver of the right to appeal the Court's adoption of the recommendation. See filing 213. And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); see also *United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006). Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and will adopt the findings and recommendation.

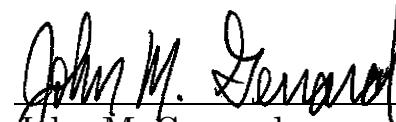
IT IS ORDERED:

1. The United States Magistrate Judge's Findings and Recommendation and Order (filing 213) are adopted.

2. The defendant's Motion to Suppress (filing 204) is denied.

Dated this 1st day of April, 2014.

BY THE COURT:



John M. Gerrard

United States District Judge